

AMENDED IN SENATE AUGUST 17, 2011

AMENDED IN SENATE JUNE 30, 2011

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CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 402

Introduced by Assembly Member Skinner
(Coauthor: Senator Hancock)

February 14, 2011

An act to amend Section 49558 of, and to add Section 49557.3 to, the Education Code, and to add Section 18901.55 to the Welfare and Institutions Code, relating to the CalFresh program.

LEGISLATIVE COUNSEL'S DIGEST

AB 402, as amended, Skinner. CalFresh program: School Lunch Program: information.

Existing law requires each school district or county superintendent of schools maintaining any kindergarten or any of grades 1 to 12, inclusive, to provide for each needy pupil one nutritionally adequate free or reduced-price meal during each schoolday. Existing law requires the governing board of a school district and the county superintendent of schools to make applications for free or reduced-price meals available to pupils.

This bill would authorize a school district or county office of education to enter into a memorandum of understanding with the local agency that determines CalFresh program eligibility, or its designee, to share information provided on the School Lunch Program application to

determine an applicant's CalFresh program eligibility, as specified. *The bill would provide that the School Lunch Program application is confidential and would prohibit the information used in the application from being disclosed to any governmental agency, including the federal Immigration and Naturalization Service and the Social Security Administration, or used for any purpose other than enrollment in the CalFresh program.*

This bill would also require ~~each~~ a county that has entered into a memorandum of understanding to determine CalFresh program eligibility for children from the information provided on a School Lunch Program application shared with the county pursuant to the provisions discussed above, and, if the child is eligible, to enroll the child in the CalFresh program, upon receipt of a signed CalFresh program application. The bill would also require each county to request that the parent or guardian of each child who it determines meets the eligibility requirements for participation in the CalFresh program to provide additional documentation necessary for retention of eligibility in the CalFresh program.

~~The bill would provide that the School Lunch Program application is confidential, and would prohibit the information used in the application from being disclosed to any governmental agency, including the federal Immigration and Naturalization Service and the Social Security Administration, or used for any purposes other than enrollment in the CalFresh program.~~

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 49557.3 is added to the Education Code,
2 to read:
3 49557.3. (a) Each school district or county office of education,
4 at its option, may enter into a memorandum of understanding with
5 the local agency that determines CalFresh program eligibility, or
6 its designee, to share information provided on the School Lunch
7 Program application with that agency, *if the child is approved for*
8 *free meals or, if included in the memorandum of understanding,*
9 *reduced-price meals, and if the applicant consents to the sharing*
10 *of that information. The information may be shared electronically,*
11 *physically, or through whatever method is determined appropriate.*

1 Any memorandum of understanding entered into pursuant to this
2 section shall set forth the roles and responsibilities of the school
3 district or county office of education and the local agency, and the
4 process to be used in sharing the information.

5 (b) The local agency that determines CalFresh program
6 eligibility shall use information provided on a School Lunch
7 Program application only for purposes directly related to the
8 enrollment of families in the CalFresh program.

9 (c) The School Lunch Program application is confidential, and,
10 with the exception of forwarding the information on the application
11 for use in CalFresh program enrollment consistent with Chapter
12 10 (commencing with Section 18900) of Part 6 of Division 9 of
13 the Welfare and Institutions Code upon the consent of the pupil's
14 parent or guardian, the school district, county superintendent of
15 schools, or CalFresh program administrators shall not share the
16 information with any other governmental agency, including the
17 federal Immigration and Naturalization Service and the Social
18 Security Administration, or use the information for any purpose
19 other than enrollment in the CalFresh program.

20 (d) After a school district or county office of education shares
21 information provided on a School Lunch Program application with
22 the local agency that determines CalFresh program eligibility, or
23 its designee, for the purpose of determining the applicant's
24 eligibility for the CalFresh program, the school district or county
25 office of education and the local agency, or its designee, shall not
26 share information about the applicant or his or her household with
27 each other, or any other entity, unless specifically authorized to
28 do so pursuant to other provisions of law.

29 SEC. 2. Section 49558 of the Education Code is amended to
30 read:

31 49558. (a) All applications and records concerning any
32 individual made or kept by any public officer or agency in
33 connection with the administration of any provision of this code
34 relating to free or reduced-price meal eligibility shall be
35 confidential, and may not be open to examination for any purpose
36 not directly connected with the administration of any free or
37 reduced-price meal program, or any investigation, prosecution, or
38 criminal or civil proceeding conducted in connection with the
39 administration of any free or reduced-price meal program.

1 (b) Notwithstanding subdivision (a), a public officer or agency
2 may allow the use by school district employees, who are authorized
3 by the governing board of the school district, of individual records
4 pertaining to pupil participation in any free or reduced-price meal
5 program solely for the purpose of disaggregation of academic
6 achievement data or to identify pupils eligible for public school
7 choice and supplemental educational services pursuant to the
8 federal No Child Left Behind Act of 2001 (P.L. 107-110), if the
9 public agency ensures the following:

10 (1) The public agency has adopted a policy that allows for the
11 use of individual records for these purposes.

12 (2) No individual indicators of participation in any free or
13 reduced-price meal program are maintained in the permanent record
14 of any pupil, unless otherwise allowed by law.

15 (3) No public release of information regarding individual pupil
16 participation in any free or reduced-price meal program is
17 permitted.

18 (4) All other confidentiality provisions required by law are met.

19 (5) The information collected regarding individual pupils
20 certified to participate in the free or reduced-price meal program
21 is destroyed when it is no longer needed for its intended purpose.

22 (c) Notwithstanding subdivision (a), the school districts and
23 county superintendents of schools may release information on the
24 School Lunch Program application to the local agency that
25 determines eligibility under the Medi-Cal program ~~or to an agency~~
26 ~~that determines eligibility for nutrition assistance programs~~
27 ~~authorized by Chapter 2 (commencing with Section 210.1) of~~
28 ~~Subtitle B of Title 7 of the Code of Federal Regulations, if the child~~
29 ~~if the child~~ is approved for free meals and if the applicant consents
30 to the sharing of information pursuant to Section 49557.2 ~~or~~
31 ~~49557.3, as applicable.~~

32 (d) *Notwithstanding subdivision (a), the school districts and*
33 *county superintendents of schools may release information on the*
34 *School Lunch Program application to the local agency that*
35 *determines eligibility under the CalFresh program or to an agency*
36 *that determines eligibility for nutrition assistance programs*
37 *authorized by Chapter 2 (commencing with Section 210.1) of*
38 *Subtitle B of Title 7 of the Code of Federal Regulations, if the child*
39 *is approved for free or reduced-price meals and if the applicant*
40 *consents to the sharing of information pursuant to Section 49557.3.*

1 SEC. 3. Section 18901.55 is added to the Welfare and
2 Institutions Code, to read:

3 18901.55. (a) ~~Each~~*If a county has entered into a memorandum*
4 *of understanding pursuant to Section 49557.3 of the Education*
5 *Code, the county shall use the procedure described in this section*
6 *to determine CalFresh program eligibility for children whose*
7 *information is shared with the county pursuant to Section 49557.3*
8 *of the Education Code, and, if the child is eligible, the county to*
9 *enroll the child in the CalFresh program, upon receipt of a signed*
10 *CalFresh program application.*

11 (b) Upon receipt of information on the School Lunch Program
12 application pursuant to this section for a pupil who is not already
13 enrolled in the CalFresh program, the county shall treat the
14 application as an application for the CalFresh program. For
15 purposes of administration of the CalFresh program, the application
16 date shall be the date that the application is received by the county
17 human services department. If the county determines that the pupil
18 is already enrolled in the CalFresh program, it shall not take any
19 further action. *Unless otherwise prohibited by federal law or*
20 *regulation, for purposes of expedited service processing, a county*
21 *shall request information necessary for processing an application*
22 *at the first point of contact following receipt of information. If*
23 *information is provided to determine whether the household meets*
24 *the criteria for expedited service, the expedited timeframe*
25 *processing timeframes shall apply from the point of first contact.*
26 *For the processing of other households, the processing timeframes*
27 *shall apply from the point at which the county has received*
28 *sufficient information in order to process the application.*

29 (c) If the county determines from *information on* the School
30 Lunch Program application and supporting documents that the
31 child or his or her family meets the income eligibility requirements
32 for participation in the CalFresh program, the county shall notify
33 the parent or guardian of the child that the child or his or her family
34 has been found eligible for the CalFresh program.

35 (d) If the county is unable to determine from the information
36 on the application whether the child or his or her family is eligible
37 for the CalFresh program, the county shall contact the parent or
38 guardian of the child to seek any additional information regarding
39 income, household composition, or deductions that the county may
40 determine to be necessary to complete the CalFresh program

1 application. If the county determines that the child or his or her
2 family does not meet the eligibility requirements for participation
3 in the CalFresh program, the county shall notify the parent or
4 guardian of the child of the determination.

5 (e) Each county shall request the parent or guardian of each
6 child whom the county determines meets the eligibility
7 requirements for participation in the CalFresh program under
8 subdivision (c) to provide additional documentation as required
9 by current law necessary for retention of eligibility in the CalFresh
10 program.

11 (f) If a parent or guardian of a child does not provide the
12 documentation required for retention of CalFresh program
13 eligibility, as requested pursuant to subdivision (e), the county
14 shall deny or discontinue CalFresh program benefits in accordance
15 with existing regulations and laws.